

ORDINANCE NO. 2011-01

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, RELATING TO THE PROVISION OF SOLID WASTE MANAGEMENT FEE ASSESSMENTS IN THE VILLAGE OF BISCAYNE PARK, FLORIDA; APPROVING A MODIFICATION TO THE SCHEDULE FOR SOLID WASTE COLLECTION ASSESMENTS FOR MULTI-FAMILY ASSESSED PROPERTY WITH SIX OR MORE RESIDENTIAL UNITS ON A SITE AND FOR NON-RESIDENTIAL SITES LOCATED WITHIN THE VILLAGE OF BISCAYNE PARK FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2011 REQUIRING THESE SPECIFIC USES TO CONTRACT WITH A MIAMI-DADE COUNTY APPROVED VENDOR; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 17.4 of the Village's Land Development Code authorizes the imposition of solid waste management fees; and

WHEREAS, the purpose of the solid waste management fee assessment is to fund the cost of providing solid waste services; and

WHEREAS, the imposition of a solid waste management fee assessment is an equitable and efficient method of allocating and apportioning solid waste collection assessed costs among residential units; and

WHEREAS, pursuant to Village Ordinance 2010-13, consistent with Section 17.4 of the Village's Land Development Code, the Village Commission imposed a solid waste management fee assessment within the Village for the fiscal year beginning on October 1, 2010, using the tax bill collection methods; and,

WHEREAS, Section 17.4(a) exempted residential buildings containing four (4) or more contiguous dwelling units from the solid waste management fee and allowed such units to contract with a County approved contractor; and

1 WHEREAS, the Village management desires to modify the section 17.4(A) to requiring
2 all residential buildings containing six (6) or more contiguous dwelling units to contract with a
3 County approved vendor; and,

4 WHEREAS, the Village already provides solid waste services for nonresidential use sites
5 but does not designate a fee for said services in the Village Code, and the the Village does not
6 have the proper equipment to handle dumpsters, and recommends a change to the Code to
7 require the nonresidential uses to contract for services with a Miami-Dade County approved
8 vendor; and,

9 WHEREAS, the Village assessment as to the remaining residential units shall remain
10 unchanged, at \$558.00, per residential unit, as enacted in fiscal year 2010; and,

11 WHEREAS, the total assessment from the solid waste management fee assessment,
12 throughout the Village is estimated to be \$733,440.00; now, therefore,

13 **BE IT ORDAINED BY THE VILLAGE COMMISSION OF THE VILLAGE OF**
14 **BISCAYNE PARK, FLORIDA, AS FOLLOWS:**

15 **Section 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as
16 being true and correct and are hereby made a specific part of this Ordinance upon adoption
17 hereof.

18 **Section 2.** Authority. This Ordinance is adopted pursuant to provisions of Section
19 17.4 of the Land Development Code and Sections 166.021 and 166.041, Florida Statutes, and
20 other applicable provisions of law.

21 **Section 3.** The Village's Code of Ordinances, Section 17.4(a) is amended as follows:

22 17.4 Imposition of Solid Waste Management Fee Assessment.

23 (A) Residential units include all residential properties within the Village except for
24 building containing six (6) or more contiguous dwelling units are to receive solid waste services

1 from the Village. Six or more contiguous dwelling units are to contract with a County approved
2 contractor.

3 (B) The assessed properties are hereby found to be specially benefited by the
4 provision of the solid waste collection services in the amount of the solid waste management fee
5 assessment of \$558.00 per residential unit and are determined to be fairly and reasonably
6 apportioned.

7 (C) Non-residential use sites are to contract with a County approved contractor.

8 (D) For the fiscal year beginning October 1, 2011, the total solid waste management
9 fee assessment throughout the Village is estimated to be \$733,440.00.

10 (E) The solid waste management fee assessment for solid waste collection services is
11 hereby approved and shall continue to be the current schedule for solid waste collection,
12 transportation, separation and disposal service in subsequent years unless and until a new
13 management fee assessment is established by separate ordinance.

14 (F) The solid waste management fee assessment shall constitute a lien upon the real
15 property, so assessed equal in rank and dignity with the liens of all state, county, district and
16 municipal taxes and other non-ad valorem assessment.

17 **Section 4. Effect and Adoption of Ordinance.** The adoption of this Ordinance shall
18 be the final adjudication of the issues presented unless proper steps shall be initiated in a court of
19 competent jurisdiction to secure relief within twenty (20) calendar days from the date of this
20 assessment.

21 **Section 5. Severability.** The provisions of this Ordinance are declared to be
22 severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be
23 held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining
24 sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it


1 being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any
2 part.

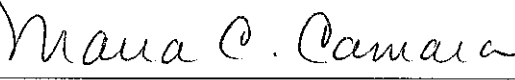
3 **Section 6. Repeal of Conflicting Provisions.** To the extent any provisions of the
4 Code conflict with this Chapter, those provisions are repealed in its entirety.

5 **Section 7. Effective Date.** This Ordinance shall be effective upon adoption on
6 second reading.

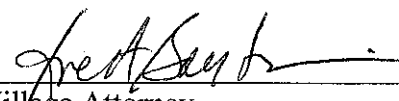
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8 FIRST READING: July 12, 2011

9 SECOND READING: August 2, 2011

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15 Roxanna Ross, Mayor

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20 Maria C. Camara, Village Clerk

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23 Approved as to form:

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27 _____
28 Village Attorney

**The foregoing ordinance upon being put
to a vote, the vote was as follows:**

Mayor Ross: Yes
Vice Mayor Anderson: Yes
Commissioner Bernard: No
Commissioner Childress: Yes
Commission Cooper: No